

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRUCE BARNAUSKAS AND)
RENEE BARNAUSKAS,)
Plaintiffs,)
v.)
CHASE BANK USA, N.A.,)
Defendant.)
Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Chase Bank USA, N.A. n/k/a JPMorgan Chase Bank, N.A. (“Chase”) removes this case from the Court of Common Pleas of Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania. In support of this Notice of Removal, Chase states as follows:

I. BACKGROUND

1. On or about June 12, 2019, plaintiffs Bruce and Rene Barnauskas (“Plaintiffs”) initiated this action by filing a complaint (the “Complaint”) against Chase in the Court of Common Pleas of Lackawanna County, Pennsylvania, which was styled *Bruce Barnauskas and Renee Barnauskas v. Chase Bank USA, N.A.*, Case No. 19CV3536 (the “State Court Action”).

2. Chase was served with the Complaint after June 17, 2019. No other documents have been filed in the State Court Action. Pursuant to 28 U.S.C. § 1446(a), Chase has attached true and correct copies of “all process, pleadings, and orders served” upon Chase in the State Court Action as Exhibit A.

3. In the Complaint, Plaintiffs assert a claim under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.* Plaintiffs allege that Chase made calls to Plaintiffs’ cellular telephones in violation of the TCPA, and based thereon, raises a single cause of action for violation of the TCPA. *See* Compl. at ¶¶ 6-23.

II. BASIS FOR REMOVAL JURISDICTION

4. This Court has original jurisdiction under 28 U.S.C. § 1331 as Plaintiffs allege violation of a claim or right arising under the laws of the United States.

5. Specifically, Plaintiff alleges that Chase made calls to Plaintiffs’ cellular telephones in violation of the TCPA. *See generally* Compl.

6. Therefore, the Complaint alleges violations of a claim or right arising under the laws of the United States, and as such, this action is subject to removal pursuant to 28 U.S.C. §§ 1331 and 1441 at the request of Chase.

III. VENUE

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(a) and 1441(a), because the United States District Court for the Middle District of Pennsylvania is the federal court embracing the Court of Common Pleas of Lackawanna County, Pennsylvania, where Plaintiffs originally filed the State Court Action.

IV. PROCEDURAL COMPLIANCE

8. Plaintiffs served Chase by mailing a copy of the complaint to Chase on June 17, 2019. *See* Ex. A.

9. This Notice is timely because it has been filed within the thirty day period prescribed by 28 U.S.C. § 1446(b).

10. The time for Chase to answer, move, or otherwise plead in the State Court Action in response to the Complaint has not yet expired, and Chase has not answered, moved, or otherwise responded to the Complaint.

11. The documents attached hereto as Exhibit A constitute all of the process, pleadings, and orders received by Chase to date.

12. Written notice of the filing of this notice of removal is being forwarded to Plaintiff and to the Court of Common Pleas of Lackawanna County, Pennsylvania, pursuant to 28 U.S.C. § 1446(d). *See* Notice of Filing Notice of Removal, attached hereto as Exhibit B.

13. By filing a Notice of Removal in this matter, Chase does not waive its right to object to service of process, the sufficiency of process, jurisdiction over the person, or venue, and Chase specifically reserves the right to assert any defenses and/or objections to which it may be entitled.

14. Without conceding the availability of any particular remedy or category of damages, this action involves a controversy arising under the laws of the United States, as appears from the allegations of Plaintiff's Complaint. Accordingly, this action is one over which this District Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and this matter may be removed to this Court under 28 U.S.C. § 1441.

WHEREFORE, notice is given that this action is removed from the Court of Common Pleas of Lackawanna County, Pennsylvania, to the United States District Court for the Middle District of Pennsylvania.

By: /s/ Daniel C. Fanselle
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Attorneys for Defendant Chase Bank USA, N.A.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Defendant Chase Bank USA, N.A. n/k/a JPMorgan Chase Bank, N.A., Notice of Removal was served by U.S. Mail, postage prepaid, on this date upon the following:

Brett Freeman
SABATINI FREEMAN, LLC
216 N. Blakely St.
Dunmore, PA 18512
Phone: (570) 341-9000

By: /s/ Daniel C. Fanaselle
Daniel C. Fanaselle

Dated: July 8, 2019